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93-7

Date: **January 15, 1994** Subject: **Temporary Construction in Campgrounds**

Reference: N.J.A.C. 5:23-4A

Confusion has arisen over the issue of so-called "temporary" construction in campgrounds. All construction in New Jersey is subject to the Uniform Construction Code (UCC). Permits must be issued, inspections must be made, and certificates must be issued for all construction, whether permanent or temporary in nature. The only distinction made in the UCC or its subcodes for temporary construction is that the construction official has the authority to relax specific requirements without going through the variation process where, in his or her judgment, it is appropriate because the construction will only be used for a period of up to six months and for one time only. All construction, whether temporary or permanent, requires a permit.

An example might be a temporary wooden platform or deck. In such a case, the requirements for structural soundness, railings if more than three steps above the ground, stair construction, etc. would need to be met, but the construction official may grant relaxation of the requirement for treated wood or for footings below the frost line, since the construction is temporary. If the construction date is April 1, for example, the structure would have to be removed by October 1 and the effects of moisture/decay from ground contact would not be a factor. Similarly, the question of frost damage to the foundation system would not arise and could be discounted.

Note that this relaxation of the two specific rules in this example is assumed to occur one time only. If material is repeatedly reused, the cumulative effect of moisture and decay on this material would negate the temporary nature of the use, and eventually cause failure. Therefore, any application for temporary construction can be granted only once, and a definite expiration date (not longer than six months) must be established at the time of issuance of both the construction permit and the certificate.

The above discussion applies generally to all structures under the UCC. It takes on special meaning when the location of the construction is a campground, since rules adopted by the New Jersey Department of Health and Senior Services which permit only temporary structures in campgrounds have been widely

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misinterpreted as allowing the construction and use of various demountable structures with the implication that these structures do not require permits or certificates under the UCC. As indicated, this is not the case.

A recent investigation by the Department of Community Affairs (DCA) reveals that a considerable amount of construction requiring a permit has taken place in campgrounds without a permit having been applied for or issued. This construction takes the form of free-standing structures and of structures attached to, supported by, or adjacent to park models, trailers, or recreational vehicles. The sheer volume of this existing work will make it difficult for construction officials to require permits after the fact. Construction officials who have already begun code enforcement action in these circumstances should carry that action through until they are satisfied with the compliance achieved. No new work of this kind should be allowed by any construction official. Existing work which may be in violation should be inspected. The DCA recommends that corrective work be ordered where a serious health or safety hazard is found to be present.

See Bulletin No. 93-6 for requirements and the application of the code to park models.